

REMARKS

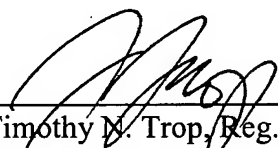
Reconsideration of the rejection of claim 37 is requested in view of the cited reasons for allowance. In particular, on page 7 of the final rejection, the material in bold, indicated as the basis for patentability of claims 33 and 47, is also in claim 37. Thus, claim 37 is plainly allowable.

Claims 1 and 44 have been amended to preclude the interpretation where "in contact" means "in communication" as was asserted in the previous rejection.

Moreover, the suggestion that something in the Applicant's own disclosure could be used to reject the claims would seem to be inappropriate. The reference teaches no pores that allow the chalcogenide material to touch the lower electrode. Therefore, there is no basis for the maintenance of such a position and reconsideration is requested.

Respectfully submitted,

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